United Nations S/PV.3538

Security Council
Fiftieth Year

Provisional

3538th Meeting
Wednesday, 17 May 1995, 6.15 p.m.
New York

President:	Mr. Mérimée	(France)
Members:	Argentina	Mr. Cárdenas
	Botswana	Mr. Legwaila
	China	Mr. Wang Xuexian
	Czech Republic	Mr. Kovanda
	Germany	Mr. Graf zu Rantzau
	Honduras	Mr. Martínez Blanco
	Indonesia	Mr. Wisnumurti
	Italy	Mr. Fulci
	Nigeria	Mr. Gambari
	Oman	Mr. Al-Khussaiby
	Russian Federation	Mr. Lavrov
	Rwanda	Mr. Ubalijoro
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay
	United States of America	Mrs. Albright

Agenda

The situation in the occupied Arab territories

Letter dated 8 May 1995 from the representatives of Morocco and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/1995/366)

Letter dated 8 May 1995 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/1995/367)

95-85489 (E)

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The meeting was called to order at 6.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the occupied Arab territories

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At the invitation of the President, and in accordance with the decisions taken at the 3536th meeting, Mr. Yaacobi (Israel) took a place at the Council table; Mr. Lamamra (Algeria), Mr. Butler (Australia), Mr. Rahman (Bangladesh), Mr. Fowler (Canada), Mr. Rodriguez Parrilla (Cuba), Mr. Olhaye (Djibouti), Mr. Elaraby (Egypt), Mr. Khoshroo (Islamic Republic of Iran), Mr. Hamdoon (Iraq), Mr. Kawai (Japan), Mr. Abu Odeh (Jordan), Mr. Abulhasan (Kuwait), Mr. Moubarak (Lebanon), Mr. Azwai (Libyan Arab Jamahiriya), Mr. Razali (Malaysia), Mr. Ould Ely (Mauritania), Mr. Snoussi (Morocco), Mr. Kamal (Pakistan), Mr. Al-Ni'mah (Qatar), Mr. Allagany (Saudi Arabia), Mr. Yassin (Sudan), Mr. Hallak (Syrian Arab Republic), Mr. Abdellah (Tunisia), Mr. Batu (Turkey) and Mr. Al-Suwaidi (United Arab Emirates) took the places reserved for them at the side of the Council Chamber; Mr. Al-Kidwa (Palestine) took a place at the Council table; and the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian people took a place at the side of the Council Chamber.

The President (*interpretation from French*): The Security Council will now continue its consideration of the item on the agenda.

Members of the Council have before them document S/1995/394, which contains the text of a draft resolution submitted by Botswana, Honduras, Indonesia, Nigeria, Oman and Rwanda.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Al-Khussaiby (Oman): My delegation, in its statement delivered before the Council on 12 May 1995 during the general discussion concerning the issue under consideration, has already illustrated very clearly that the goal of the draft resolution before us, which was subsequently submitted by my delegation in its capacity as the Coordinator of the Security Council's Non-Aligned Movement caucus for this month, is not meant to complicate this issue, but rather to safeguard the peace process itself.

The Arab and Islamic States and the non-aligned countries, in the context of their tremendous efforts and their great concern over the peace process and of their endeavour to avoid the recurrence of a state of cold war in the Middle East, have introduced the draft resolution before the Council now. The non-aligned caucus members have shown great flexibility and cooperation towards and with the views and proposals presented by other Council member States in their effort to ensure that the Council deals with this matter in such a manner as to strengthen the ongoing peace process in the Middle East. The non-aligned countries have also exerted concerted efforts to maintain the unified position and the support of the Council members on this issue, and have made every possible effort to realize their goal.

The draft resolution before the Council is the fruit of the efforts made and extensive consultations conducted by the non-aligned group to eliminate the impediment to the peace process resulting from the recent Israeli expropriation orders. We believe that the Council's adoption of this draft resolution, which demands the nullification of the Israeli Government's orders for the confiscation of 53 hectares of Arab land in East Jerusalem, accords with the Council's responsibility in this regard, with the United Nations Charter and with the relevant Security Council resolutions. Furthermore, the adoption of this draft resolution will give a positive impetus to the ongoing peace process which is desperately needed at the present time.

In its capacity as the principal international organ entrusted with maintaining international peace and

security, the Security Council's inability to take action in this respect, despite the calls of the more than 40 nations that participated in the general debate, will raise doubts about the credibility and the international legitimacy of the relevant resolutions and cast a shadow over future negotiations in the peace process in the region.

Allow me to take this opportunity to extend my gratitude to the members of the non-aligned caucus for their constructive attitude and for their assistance to my delegation in conducting consultations at various levels. In my capacity as the Coordinator of the non-aligned caucus for this month, I would also like to pay a special tribute to you, Mr. President, to your hardworking delegation, to all the members of the Council and to other countries that have demonstrated their understanding and full cooperation, and look forward to the adoption of this draft resolution by the Council.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): The Russian delegation played an active part in the discussion in the Security Council on the issue of the confiscation of Palestinian lands in East Jerusalem, and closely followed the process of achieving agreement on the draft resolution submitted by the Non-Aligned Movement group of countries.

In so doing, we took as our premise that the question of Jerusalem, as is provided for in the Declaration of Principles, must be the subject of future negotiations on the final status of the Palestinian territories. Until then, any action to alter the status quo in Jerusalem cannot be considered otherwise than as contravening the spirit of the Palestinian-Israeli agreements and the peace process as a whole, a process of which the Russian Federation is a co-sponsor.

Our position basically coincided with the approach of all the other Council members, and this being the case, we believed that the best possible course would be to achieve a consensus reaction to Israel's actions — for example, in the form of a statement by the President. Unfortunately, that has not proved possible.

However, we note with satisfaction that, during the discussions on the draft resolution, its sponsors took into account most of the amendments and proposals suggested and thereby made it more balanced and purposeful. In its present form, the draft resolution expresses first and foremost, heightened concern over the Israeli action, which violates Security Council resolutions and the Declaration of Principles, reaffirms that this action is null and void and calls upon Israel to rescind it. We fully concur with those provisions and will support the draft resolution.

The Russian delegation expresses the hope that the Israeli authorities will find it possible, at this crucial and extremely sensitive stage of the negotiating process in the Middle East, to reconsider their attitude towards the confiscation of Palestinian land in East Jerusalem. This would help keep up the momentum of the peace process, ensure that it continues to move forward and would help towards the establishment of genuine peace and good-neighbourliness between Arabs and Israelis.

Mr. Gambari (Nigeria): My delegation believes that, on the Israeli-Palestinian question, there is no real alternative to a peaceful and negotiated settlement. Hence, my Government has always supported every effort made to achieve this objective, including the Declaration of Principles on Interim Self-Government Arrangements between Israel and the Palestine Liberation Organization.

Nigeria has been encouraged by the progress made so far by the parties to implement the various aspects of the Declaration of Principles. In this context, we recall the Gaza-Jericho Agreement of May 1994 and the Agreement on Preparatory Transfer of Powers and Responsibilities of August 1994, both of which have made it possible to establish the Palestinian Authority. We believe that further specific measures must be taken not only to preserve these gains but also to implement fully the remaining aspects of the peace process.

My delegation has been under no illusion that the search for peace in the Middle East would be entirely hitch-free. We have always known that there would be bumps on the road to achieving a just and desirable peace in the region. None the less, we hope that the parties will not allow hope to fade in the region and our expectation remains that the parties concerned should persevere and continue to demonstrate the good faith and commitment required to achieve a negotiated settlement. To this end, the role of the international community is to be as supportive as possible and the way it can best do so is, in our opinion, by being an impartial umpire.

It is in this connection that my delegation viewed with concern the recent settlement activities of one of the parties, which violate both the letter and the spirit of relevant Security Council resolutions and the Fourth Geneva Convention of 1949, and could very well jeopardize the peace process. In particular, we very much

regret the recent decision of the Government of Israel to expropriate 53.5 hectares of land in East Jerusalem, an act which — apart from undermining confidence between the parties — also pre-empts the future discussions envisaged for the final stage of negotiations on the status of Jerusalem. We are of course not oblivious of Israel's legitimate security concerns, but we cannot see how land confiscations can constitute an appropriate response to those concerns.

The draft resolution before the Council represents a factual, non-judgemental but forthright response of the international community to the worrying developments resulting from the land expropriation in East Jerusalem. The primary objective of the resolution is not to condemn, but to encourage Israel to put an end to what appears to be a trend which, if not checked, could reverse the gains already achieved in the peace process.

What is more, my delegation is convinced that the consequences of inaction by the Security Council would undermine the authority of the Council itself and could damage the credibility of the United Nations as the ultimate defender of the rights of all States, including the strong, and especially the weak.

My delegation will therefore vote in favour of the draft resolution.

Mr. Wisnumurti (Indonesia): The Indonesian delegation has made its positions very clear concerning the issue of settlements in the Arab territories occupied by Israel since 1967, the most recent being the position it expressed during the formal open debate last Friday. That being the case, my delegation will not take up too much of the Council's time by expressing its already well-known positions.

Nevertheless, we would simply like to reiterate that the recent Israeli expropriation order concerning 53 hectares of land in East Jerusalem is not only in violation of relevant United Nations resolutions and of international law, but also poses a serious threat to the Middle East peace process as a whole, as it contravenes the Declaration of Principles on Interim Self-Government Arrangements, signed on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization. It is our considered view that any expropriations of Arab lands undertaken by Israel are null and void, and we therefore call upon Israel to immediately rescind these activities, be they in East Jerusalem or other occupied territories, which are in violation of the Fourth Geneva Convention of 1949.

In our view, there cannot be a successful conclusion of the Middle East peace process without a resolution of the question of Jerusalem. We believe that its status must be discussed in the context of the peace process and of a comprehensive settlement in the region. Any confidence-destroying measures, such as the present illegal policy of the Government of Israel, must immediately be discontinued.

It is therefore evident that the international community cannot remain passive *vis-à-vis* these measures taken by Israel, which will continue to imperil the peace process. In this context, it is indispensable for the Security Council to reverse this situation by taking appropriate measures without delay. Failure to do so is bound to send the wrong message to Israel. The international community must take the necessary and appropriate steps to ensure that agreements reached in the Middle East peace process are fully implemented and ensure the progression of its positive achievements. Ultimately, only by working together through confidence-building measures, and not through confidence-destroying measures, such as the expropriation of Arab lands, is it possible to achieve a comprehensive and durable settlement to the Israeli-Palestinian conflict and peace in the Middle East.

In the light of these considerations, my delegation commends to the Council the draft resolution that we sponsored together with the other non-aligned countries that are members of the Council.

Mr. Graf zu Rantzau (Germany): My Government regrets that it was not possible to solve the question before us today through direct negotiations between the two parties concerned.

As to the substance of this dispute, the position of my country is fully reflected in the statement made by the Representative of France, speaking on behalf of the European Union, during the Council's debate last Friday, 12 May 1995, and in the declaration of the European Union Presidency of 15 May 1995.

My delegation is able to vote in favour of the draft resolution before us because the sponsors were willing to amend the text by taking fully into account my Government's concerns and those of our European partners.

It is our hope that after the Council's discussion of this issue the parties will in the future deal with and settle

this problem through direct negotiations, and that unilateral acts can he avoided henceforth.

We welcome the statement made by the Government of Israel on 14 May 1995 that it has no intention to carry out additional expropriations of land in Jerusalem for housing purposes, and we expect that controversies which are harmful to the continuation of the peace process, such as the one we are dealing with today, can be avoided in the future.

Mr. Legwaila (Botswana): The delegation of Botswana has already stated its position concerning Israel's decision to expropriate land in East Jerusalem. I shall therefore limit my remarks to the draft resolution before the Council.

The draft resolution is a statement of facts. It makes no value judgements. It does not deplore the action nor condemn the offending party. There are no threats, ultimatums or measures aimed at modifying or changing the behaviour of the offending party. It deals directly and incisively with the issue which is of concern to it, namely, the expropriation of land in East Jerusalem. It is important that the position of the Council on a matter that is so vital to the Middle East peace process be made loud and clear, without engaging in violent polemics.

The draft resolution fully supports the peace process in the Middle East. Paragraphs 3 and 4 deal specifically with this issue. The fourth, fifth and sixth preambular paragraphs are devoted to this matter. Let there be no impression, therefore, that by its action the Council is in any shape or form harming the peace process. The action which is inimical to the peace process is the Israeli decision to expropriate land in East Jerusalem. It is our sincere hope that Israel will heed the collective will of the international community and rescind the expropriation orders.

Mr. Fulci (Italy): Together with the other European Union countries present on the Council, Italy has proposed some amendments to the original text of the draft resolution in order to achieve a more balanced resolution that we think will not hinder, but rather, stimulate progress in the peace process in the Middle East, one of the most important *acquis* which must absolutely be preserved.

The amendments proposed by the European countries were incorporated into the text, and Italy therefore will vote in favour of the draft resolution.

In this respect, I should like to reiterate the principles emphasized in the statement made by the Representative of France on behalf of the European Union during the formal meeting of the Security Council last Friday — in particular, that the expropriation of land in East Jerusalem is contrary to the spirit of the Declaration of Principles as well as to international law and the relevant resolutions of the Security Council. We sincerely hope, therefore, that the orders will be rescinded. In our opinion, the spirit of the Declaration of Principles with regard to Jerusalem is to keep the city in its present state until the end of the negotiations. Italy hopes that the intention of the Israeli Government not to carry out any additional expropriation of land in Jerusalem for housing purposes will be equally and concretely pursued as a real step on the road to significant progress in the peace process, which the European Union is following with the utmost attention and supporting with substantial financial resources.

We should also like to appeal to the Palestinians to continue in their ongoing commitment to peace, also taking into account the results of the Security Council's formal meeting on this issue that ended yesterday. Indeed, the international community has made clear yet one more time its willingness to support the peace process along the lines of the Declaration of Principles, in the interests of the Israeli and the Palestinian peoples, of stability in the Middle East region, and of peace in the world.

Mr. Kovanda (Czech Republic): The position of my country on the current situation in Jerusalem was expressed through you, Mr. President, when you delivered the statement of the European Union during the Council's recent meeting on this agenda item. Today I shall add just one or two remarks.

Whatever the motivations for doing so, and whatever its purpose, we find the expropriation of land in East Jerusalem to be ill-timed, unwise and, indeed, in violation of relevant Security Council resolutions. We do, however, take note of the decision by the Israeli Government of 14 May 1995 according to which it has no intention of carrying out additional expropriations of land in East Jerusalem for housing purposes, and we would have preferred this decision to be reflected in the draft resolution.

On the other hand, one wonders, since the Israeli Government has no expropriative intentions for the

future, how indispensable it was to expropriate land last month.

The Declaration of Principles envisages a discussion of issues affecting Jerusalem to take place in a little more distant future. Also, it envisages resolving issues such as this one between the parties themselves. We are sorry that this did not happen; of course, this does not stop the Security Council from dealing with a matter that violates the spirit if not, perhaps, the letter of the Declaration, and it is therefore quite proper to debate the issue here and to vote on the draft resolution.

In conclusion, I wish to reiterate my country's wholehearted support for the Middle East peace process. We are looking forward to the speedy implementation of the Declaration, in its entirety.

The President (*interpretation from French*): I now put to the vote the draft resolution contained in document S/1995/394.

A vote was taken by show of hands.

In favour:

Argentina, Botswana, China, Czech Republic, France, Germany, Honduras, Indonesia, Italy, Nigeria, Oman, Russian Federation, Rwanda, United Kingdom of Great Britain and Northern Ireland

Against: United States of America

The President (*interpretation from French*): There were 14 votes in favour and 1 against. The draft resolution has not been adopted, owing to the negative vote of a permanent member of the Security Council.

I shall now call on those members of the Council who wish to make statements following the voting.

Mrs. Albright (United States of America): It has been five years since my Government has felt compelled to vote against a resolution under consideration by this Council. I have cast this veto today — reluctantly, but without hesitation — on an issue of principle for the United States. The principle is this: the only path to achieve a just, lasting and comprehensive peace in the Middle East is direct talks between the parties. My Government was compelled to oppose this resolution because the Council sought to declare itself on a permanent-status issue — Jerusalem — and thus violated this principle. These issues must be resolved by the parties, with the support of the international community, but without its interference.

The United States has consulted at length with other Council members on the issues raised by this resolution. But a consensus was, unfortunately, not possible because others were not prepared to adhere to the negotiating process which we believe is central to continued progress towards peace in the Middle East. This council is not able — and should not seek — to try to resolve sensitive issues in the Middle East peace process: that is for the parties, who must live with the outcome of these negotiations.

Let us be clear. At this point, progress towards peace in the Middle East depends not on what the United Nations does, but on what the parties agree to. The heartening progress that has been made during the past two years is the result of decisions made by the parties, in recognition of the urgent desire of their own peoples to begin a new chapter in the history of their troubled region. That progress has occurred despite the resistance of terrorists and rejectionists, and notwithstanding still deep sensitivities about issues upon which final agreement has not yet been reached.

The Declaration of Principles, signed on 13 September 1993 by the Palestine Liberation Organization and the Government of Israel, lists several issues, including Jerusalem, as permanent-status issues to be covered by the parties at a later time specified in the Declaration. That agreement reflects the pragmatic view of the parties that there is a logical sequence for dealing with the issues which would involve covering the most sensitive ones at a later stage of the negotiations.

This Council, the General Assembly and Member States separately have expressed strong support for the Middle East peace process and for the Declaration of Principles. It is necessary and appropriate that we continue to do so. However, passage of this resolution would have had the Council intrude upon the agreed political process set out in the Declaration of Principles. That could yield no positive result.

The commitment of Israel and the Palestine Liberation Organization to achieve peace and reconciliation has changed, dramatically, the face of the Middle East. Palestinians and Israelis now meet on a regular basis. Practical problems are being addressed. Fears and suspicions are being confronted. The parties are actively engaged in negotiations to implement the

second stage of the Declaration of Principles. Progress towards a wider regional peace agreement has been made. There is much at stake for all of us in the successful outcome of this process. But for the parties, the stakes include issues that no one but the parties can resolve.

Undoubtedly, events will occur that appear to represent setbacks in the path towards full agreement and reconciliation. Given the history and complexity of the issues, that is inevitable. But we must have the discipline to maintain our support for this process, despite the setbacks and despite differences of perspective on particular actions or events.

The United States has expressed the view that the Israeli notice to expropriate land in Jerusalem is unhelpful. Clearly, this Israeli decision does not move the peace process in the right direction. But by injecting the Council into this issue, this resolution would merely compound the problem. Instead, this Council should be encouraging the parties and not acting in a way that is detrimental to the process.

The international community has an important role to play in supporting the efforts of the parties to the Middle East process in their quest for reconciliation and what President Clinton has referred to as the quiet miracle of a normal life. The events of recent years indicate that the parties derive confidence from the willingness of governments around the world to encourage them in their efforts and to stand by them when incidents of destructive and violent resistance to those efforts have occurred. But to be effective, the support of the international community must also be discreet, maintaining a certain distance from the details of the negotiations. We may pull out the chairs for those at the bargaining table, but we do not belong at the table ourselves.

My Government's decision to vote against this resolution may have disappointed some, but it should not have surprised anyone. We have not voted against this resolution because we support Israel's decision on land expropriation: we do not. This vote is a result of our long-held and long-stated position regarding what we can and cannot support in this Council.

As I made clear in my statement on 18 March 1994 with respect to Security Council resolution 904 (1994), my Government will not agree to a resolution that prejudges or prejudices the outcome of negotiations over such a sensitive issue as Jerusalem. Nor will we agree to any Council action that oversteps the Council's appropriate role as supporter of the negotiations aimed at achieving a lasting settlement to the conflicts that have for so long plagued the Middle East.

My Government is aware of the importance of Jerusalem to many Governments, as was evident during this week's debate. Jerusalem is a special city. I urge other Governments that care deeply about Jerusalem to encourage the parties to move forward in the peace process so that they can begin discussion of permanent-status issues, including Jerusalem, next year.

In closing, let me appeal to each Government represented here, to States in the Middle East and to other interested Governments not to let this issue distract us from our shared commitment to assist the parties in their perilous, but still promising, journey towards peace.

Sir David Hannay (United Kingdom): My Government's position on the substance of the question of the Israeli expropriation of land in East Jerusalem was made clear in the statement I made on 12 May, which complemented the statement you yourself, Mr. President, made later that day on behalf of the members of the European Union. I would like to explain briefly why the United Kingdom has just voted in favour of the draft resolution before us.

In our view the draft resolution represents a calm but clear statement of the legal position. The cosponsors of the draft resolution accepted all the amendments proposed by the European Union members of the Council, and, as a result, the text avoids any reference to wider issues, apart from a clear declaration of support for the peace process.

We very much understand and sympathize with the attachment to Jerusalem of the Israeli people, which was expressed by the Permanent Representative of Israel during the debate. But we believe that the Government of Israel should recognize that others feel equally strongly about the city, and should refrain from taking actions which seek to change the status quo on this most sensitive of all issues before the conclusion of the final-status negotiations.

We very much regret that this issue has caused divisions in the Council. We do not believe this will be helpful to the peace process. That is why we worked hard to avoid that outcome. We welcome the fact that during the debate earlier this week all members of the Council expressed concern about the Israeli expropriation orders.

We believe this is an important message for the Israeli Government, and we hope it will consider its future actions carefully in the light of it. We note the intention of the Israeli Cabinet, expressed at its meeting on 14 May, not to carry out additional expropriations of land in Jerusalem for housing purposes.

Throughout the consultations which have taken place over the past few days, my delegation has had as its overriding objective the protection and the furtherance of the peace process. That is the priority. We look to all parties to continue, and to redouble, their efforts to make progress. The peoples of the region deserve no less.

Mr. Wang Xuexian (China) (*interpretation from Chinese*): The Chinese delegation voted in favour of the draft resolution before the Council. The Chinese delegation would like to register its regret and disappointment at the result of the voting. It is fair to say that the requests contained in the draft resolution were reasonable and appropriate and that its language was moderate. If the draft resolution had been adopted, it would have contributed greatly to the peace process in the Middle East, not damaged it.

Although the draft resolution was not adopted today, the Government of Israel should understand that the fact that there were 14 votes in favour of the draft resolution forcefully demonstrates that its decision to confiscate land in East Jerusalem is wrong and cannot be accepted by the international community or the Security Council.

For the sake of the Middle East peace process and for the sake of the fundamental interests of the peoples of the Middle East, we once again appeal to the Government of Israel to rescind forthwith its wrong decision. We sincerely hope that the parties concerned will continue to promote the Middle East peace process.

The President (*interpretation from French*): I shall now make a statement in my capacity as the representative of France.

My delegation has already had the opportunity to express its views on the Israeli Government's decision to carry out expropriations in East Jerusalem. Along with all the other countries of the European Union, France recalls that these expropriations are contrary to international law and violate, in particular, provisions of the Geneva Conventions. Furthermore, these measures have been explicitly forbidden by several resolutions of the Security Council and disregard the spirit of the Declaration of Principles signed on 13 September 1993.

The parties to the peace process decided to reserve for future negotiations discussion of the most delicate matters, including Jerusalem and settlements. In no instance can this indicate that international law does not apply in the meantime. To the contrary, Jerusalem remains an occupied territory, and will remain so as long as the parties have not agreed on its final status. Until that day, which we hope will come as soon as possible, all international conventions and United Nations resolutions apply to the Holy City.

As the Government of Israel has not rescinded its decision, despite the many appeals from Arab Heads of State, the European Union and a large number of other States, the Security Council had to pronounce itself on the matter. To that end, the sponsors of the draft resolution on which the Council has just voted adopted reasonable, moderate wording, which my delegation welcomed all the more since it took account of all its comments and those of other European States.

My delegation regrets that it was not possible to adopt the draft resolution. It stated very precisely what the Israeli Government must agree to in order to avoid undermining the peace process by its decision to confiscate 53 hectares of land in East Jerusalem. We therefore appeal to the Tel Aviv authorities not to misconstrue what has just occurred, and to head the unanimous expression of concern by States Members of the United Nations. We hope they will agree without delay to go beyond the intention they announced last Sunday and rescind outright the implementation of the decision that has been challenged.

The devotion of Jews to Jerusalem is understandable and legitimate, as is that of Muslims and Christians. It is basic to the peace process that Governments should be careful about the political form they give to these historical and religious ties; otherwise, reconciliation will be impossible.

Finally, my delegation appeals to Arab authorities and populations to rise above the disappointment they may feel this evening and to continue to lay claim to their legitimate rights by peaceful means, foremost among them, and irreplaceable, the peace process. For its part, France will continue, along with its European partners, to support all who wish to work for Israeli-Arab reconciliation.

I now resume my functions as President of the Security Council.

As no further members of the Council wish to speak at this stage, we have now completed the voting process.

The representative of Morocco wishes to make a statement. I invite him to take a place at the Council table and to make his statement.

Mr. Snoussi (Morocco) (*interpretation from French*): I thank you warmly, Mr. President, for this opportunity to speak and thus to express my delegation's deep gratitude to the Council for its consideration of an issue to which my country, the Islamic world and the Arab world attach the utmost importance.

We welcome the laudable efforts of the non-aligned countries that are members of the Security Council, and we thank them very much for the role they have played and their co-sponsorship of the draft resolution that has just been voted upon. I particularly commend the Coordinator of the Caucus, Ambassador Salim Al-Khussaiby, Permanent Representative of the Sultanate of Oman, for his transparent activity, carried out in the framework of consultations with all the members of the Council and other concerned parties, to reach a consensus text.

Our thanks also go to the delegations that, in a spirit of good will and compromise, were good enough to vote in favour of the draft resolution, which has, unfortunately, been rejected. My delegation cannot but regret this outcome, because, rather than being understood in the way the representative of the United States suggested the other day, it is likely to send a negative signal.

The draft resolution was intended, with its simple flexibility, to be a step in the right direction. We will continue to have the same concern as the United States to safeguard peace. We therefore fervently hope that the Israeli Government will meet our expectations by reconsidering its decision to expropriate land and demonstrating a spirit of cooperation in order to calm nerves, dispel fears and give a new impetus to the peace process, which, as we all know, is now experiencing great difficulties. We hope the negotiations will be freed of all unnecessary obstacles to progress, one of which is expropriation.

We passionately hope that the Israeli Government will take this vote not as encouragement, but, rather, as a reason to reflect on the harmful consequences of such actions. We hope the Israeli authorities will realize how huge the stakes are and ask themselves if the peace that all of us have been striving so hard for — the Russians, the Americans, all the Arab States, indeed all the members of the Council — is to perish.

The President (*interpretation from French*): The representative of the United Arab Emirates was asked to speak. I invite him to take a place at the Council table and to make his statement.

Mr. Al-Suwaidi (United Arab Emirates) (*interpretation from Arabic*): I wish to thank you, Mr. President for your tremendous efforts in conducting the proceedings of the Council in the context of our consideration of the agenda item "The situation in the occupied Arab territories". On behalf of my delegation, I would also like to thank you sincerely for this opportunity to address the Council after the vote on the draft resolution.

I would also like to express deepest gratitude to the representatives of the countries of the Non-Aligned Movement that are members of the Security Council that cosponsored the draft resolution and, in particular, to the Permanent Representative of the Sultanate of Oman, Coordinator of the Non-Aligned Caucus of the Council for this month. His sincere and persistent efforts in all stages of the procedure relating to the draft resolution, right through its submission to the Council, are much appreciated. Nor can I fail to express our gratitude to the other members of the Council that voted in favour of the draft resolution.

The Council has met in urgent session to examine the grave actions of the Israeli Government in East Jerusalem aimed at expropriating 53 hectares of land in order to establish settlements. This runs counter to the Fourth Geneva Convention, of 1949, the norms of international law, the relevant resolutions of the Security Council and the General Assembly and the text of the Declaration of Principles signed by Israel and Palestine on 13 September 1993, which provides that the question of Jerusalem should be solved through negotiations on that city's final status. Those negotiations are set for May 1996, in accordance with Security Council resolutions 242 (2967) and 338 (1973).

Since the United Arab Emirates is currently presiding over the Council of the League of Arab States, allow me to express my profound regret that the draft resolution, submitted by the non-aligned caucus of the

Council was not adopted. It is also unfortunate that the United States voted against the draft resolution.

In spite of the many letters addressed to the Secretary-General and the President of the Security Council by His Excellency the Secretary-General of the League of Arab States, the Permanent Observer of Palestine to the United Nations and this month's Chairman of the Arab Group — on behalf of the Arab States and the Chairman of the Organization of the Islamic Conference — in which they all ask the Council to take immediate action to put an end to Israeli violations in East Jerusalem, and ask that Israel make a commitment to honouring the Declaration of Principles until the final status of Jerusalem is negotiated in May 1996, and in spite of the urgent meeting held on 6 May 1995 by the League of Arab States, from which a letter was sent to the Secretary-General and to the President of the Security Council — in spite of all these Arab and Islamic appeals to the Security Council, the draft resolution submitted to the Council by the non-aligned caucus was not adopted.

The Security Council has just heard the statements by the members of the Council both before and after the voting, all of which confirmed the special position of Al-Quds Al-Sharif in the international community. I believe the Council is today fully aware of the negative consequences of not adopting the draft resolution, not only in the Arab and Islamic world, but all the world over. Of course, by not adopting the draft resolution, the Council clearly shows disdain for the claims of the Arab and Islamic States. None the less, I ask the Council yet again to continue to demand that Israel rescind its decision to expropriate Palestinian and Arab lands in East Jerusalem.

The President (*interpretation from French*): The representative of Israel wishes to speak, and I now call on him.

Mr. Yaacobi (Israel): From the outset, we believed that this issue is for the parties concerned, based on the Declaration of Principles which was signed by Israel and the PLO. From the outset, Israel maintained that the Security Council is not the appropriate forum in which to address this issue and that, accordingly, it should take no action in this regard. We therefore consider that the outcome of these deliberations is appropriate.

Israel firmly believes that the main effort of the parties should be directed towards the promotion of peace through direct dialogue and negotiations. We call upon our partners to work with us to accelerate the progress towards peace, build mutual confidence, combat terrorism and implement the agreements which have been signed.

The President (*interpretation from French*): The representative of Palestine has asked to speak. I now call on him.

Mr. Al-Kidwa (Palestine) (*interpretation from Arabic*): At the outset I should like to express our thanks and appreciation to all the members of the Security Council that voted in favour of the draft resolution that was just voted upon. The overwhelming support for the draft resolution, expressed in the fact that 14 members of the Council voted in favour of it, is a genuine demonstration of the clear and decisive position of the international community against the illegal Israeli action to confiscate land in occupied East Jerusalem.

I should like also to express our deep appreciation to the members of the Non-Aligned Movement (NAM) that are members of the Council, namely, Botswana, Honduras, Nigeria, Indonesia, Rwanda and Oman — the Coordinator of the NAM caucus, and a sister Arab country — for their cosponsorship of the draft resolution, as well as for their introduction of it before the Council, and their decisive insistence on upholding the principled positions of the Non-Aligned Movement on this crucial and essential question: the question of Jerusalem. We are proud of the position taken by the Arab and Islamic countries on this central issue, which is of great concern to both the Islamic and the Arab countries. All this, in addition to the position expressed by a large number of those who spoke before the Council, should be seen as genuine achievements in the interest of justice, international law and the Charter of the United Nations. It should be understood as a clear message to the parties concerned. To the Palestinian and Arab party it is a message of support from the international community for the essence of the Palestinian position with regard to the question of Jerusalem. To the Israeli side it should be seen as a total rejection by the international community of the land confiscation measures and the illegal Israeli actions in the Holy City, including the expansion of the municipal boundaries of Jerusalem, the annexation of Jerusalem and the declaration of the city as the capital of Israel.

Unfortunately, despite the clear stand taken by the international community, the Security Council was intentionally and by coercion prevented from expressing itself and from assuming its duties and implementing its responsibilities — responsibilities that remain in place

either within or without the peace process. That has been demonstrated by the use by the United States of its right of veto. This United States position, which cannot conceal the real position of the international community that I have just outlined, without a doubt will cause harm to the Security Council itself and to the pattern of prevailing international relations. In addition, it will cause harm to the United States itself and to its commitment to international law and its role as a cosponsor of the peace process. Lastly, it will cause severe harm to the peace process itself.

As is known, this veto today is the first political veto that has been cast since the end of the cold war and comes at a time when the world had begun to think that the pattern of international relations had gone beyond such a practice, at least in this form, while there exists some international consensus on a position different from the position of the permanent member concerned.

At this juncture, I must emphasize that we do not accept the position of the United States of America, which seems to consider that the existence of the peace process would marginalize the role of the Security Council and its responsibilities *vis-à-vis* the situation in the Middle East.

With regard to the United States itself, it is very hard indeed to understand how a super-Power, a party to the Fourth Geneva Convention and all relevant Security Council resolutions, could vote against the provisions of the Convention and those of the Council's resolutions. In point of fact, this vote contravenes the supreme law of the land. Then there is the general political meaning of the United States position with regard to the Arab and Islamic countries, in particular those that enjoy a special, friendly relationship with the United States. This position indeed totally ignores the strong views expressed by these countries *en masse* and at the highest level, and does not take into account the arguments; nor does it take into account the centrality and sensitivity of Jerusalem to those countries, which consider Jerusalem to be a red line. Tampering with it will surely produce dire consequences sooner or later.

We believe that the use by the United States of the right of veto will complicate the peace process in the region and will not help the parties in the negotiation process; on the contrary, it will be counterproductive. We believe also that this veto runs contrary to the foundations of the peace process and to the Palestinian participation in that process. By this we have in mind the United States letter of assurances to the Palestinian side. It is our view that in the interest of the continuation of the peace process the United States side should reaffirm to the Palestinian side its commitment to the full contents of this letter and its position, as well as to the tenets of the peace process as a whole. In addition, we believe that a more neutral and balanced United States position towards the parties to the conflict in the Middle East would definitely contribute to the success of the peace process. Any attempt to deviate from that position, as we have seen today, will only complicate the process and lead to its loss of credibility.

Indeed, it is unfortunate that Jerusalem, the key to peace, has become the issue upon which the United States side has chosen to exercise its veto power. This step, in the view of many, represents a clear backing of the illegal Israeli action and an attempt to legalize it, thus preventing the international community from sending a decisive message to the Israeli Government regarding the dangers of its action and its negative implications for the peace process. At this point I really cannot assess those implications very accurately.

Finally, I should like to express our deep thanks to you personally, Sir, for the skilful manner in which you have presided over the Council this month. May I call on you to follow up this matter and to continue to fulfil your obligations as President in order to ensure that the Israeli confiscation orders, which are illegal, are rescinded.

The President *(interpretation from French):* The representative of the United States wishes to speak, and I now call on her.

Mrs. Albright (United States of America): I am sorry that the representative of the Observer Mission of Palestine has so misinterpreted and misunderstood my statement in explanation of vote. I do not think that he actually heard what I said. I think it is very important for both parties to proceed with the peace process pursuant to their obligations under the Declaration of Principles, and I regret very much that he has misunderstood the position of the United States and the role of the Security Council.

The President *(interpretation from French):* There are no further speakers.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.25 p.m.